

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARBARA E. VARNER,  
Plaintiff,

vs.

COMMONWEALTH OF PENNSYLVANIA,  
NINTH JUDICIAL DISTRICT,  
CUMBERLAND COUNTY; CUMBERLAND  
COUNTY; S. GARETH GRAHAM,  
Individually, and JOSEPH  
OSENKARSKI, individually,  
Defendants.

CIVIL ACTION  
NO. 1:CV 01-0725

(JUDGE YVETTE KANE)

VOLUME 1

Pages 1 to 183

Deposition of: S. GARETH GRAHAM

Taken by : Plaintiff

Date : January 29, 2003, 9:27 a.m.

Before : Emily Clark, RMR, Reporter-Notary

Place : Administrative Offices of  
Pennsylvania Courts  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania

APPEARANCES:

DEBRA K. WALLET, ESQUIRE  
For - Plaintiff

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS  
BY: A. TAYLOR WILLIAMS, ESQUIRE  
For - Defendant Commonwealth of Pennsylvania  
Ninth Judicial District, Cumberland County

THOMAS, THOMAS & HAFFER  
BY: JAMES K. THOMAS, II, ESQUIRE  
PAUL J. DELLASEGA, ESQUIRE  
For - Defendant Cumberland County

1 A. Before lunch.

2 Q. Did you go back to work?

3 A. I don't know. I can't tell you.

4 Q. You don't remember?

5 A. I don't remember.

6 Q. Did you and your wife customarily drive back and  
7 forth to the courthouse together?

8 A. No. We drove separately.

9 Q. Always?

10 A. 99 percent of the times we drove separately.

11 Q. Why was that?

12 A. Well, because she had different duties than I  
13 did, and I had supervision duties. I would go out and  
14 supervise, so she wouldn't have a car, and if she wanted to  
15 go home for lunch she would not have a vehicle.

16 Q. Okay. So you went home that night, didn't tell  
17 your wife anything.

18 A. Correct.

19 Q. Did she know at that time that there was some  
20 possibility that you would be disciplined as a result of the  
21 complaints made by Ms. Varner?

22 A. She didn't know a thing. I think the next day  
23 since I had told Judge Sheely I was going home to tell her  
24 and I hadn't told her, you know, he ran into her somewhere, I  
25 don't know, you know, being the elevator or in the office,

1 but he had said, you know, did Gary talk to you, or  
2 something, I think. You'll have to ask him what he said.  
3 But he -- I think he said, did Gary talk to you, and he said,  
4 do you think Gary had an affair.

5 And that next day we got in the car to go home  
6 for lunch, and I didn't even get out of the parking lot when  
7 she looked at me and said, did you have an affair with this  
8 woman, is that why you're in this mess. And I said, yes, I  
9 did. And then we went home. I remember sitting on the patio  
10 and confessing.

11 Q. Okay. What prompted you to be going home for  
12 lunch with your wife on this day?

13 A. I don't know. I had gone home for lunch on  
14 occasion with her. I might have exaggerated my 99 percent,  
15 but most often we drove separately, and even though we drove  
16 separately we still went home to lunch together.

17 Q. So is it your testimony that it was actually  
18 Judge Sheely who told your wife?

19 A. No. I told my wife. He didn't say anything to  
20 her. He said, could he have had an affair with this woman to  
21 make her file these complaints. So he was seeing if I told  
22 her the night before. That was his way of expressing  
23 himself.

24 Q. And that was the first notice she had about any  
25 affair, when Judge Sheely asked her about it?